

### **REMARKS**

Applicants wish to thank the Examiner for the review of the present application. Claims 20 and 21 have been added, and claims 1, 9, and 15 have been amended. No new matter has been added.

#### **35 U.S.C. §102**

Claims 1-13 are rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent 6,246,745 (Bi et al., hereinafter Bi). Amended claim 1 is directed towards a method of predicting bone or articular disease in a subject, and includes, in part, extracting trabecular microstructure from an image of said subject.

Nowhere does Bi disclose extracting trabecular micro-structure from an image of said subject, as required by amended by claim 1. Instead, Bi discloses measuring bone mineral density (BMD) with a radiographic absorptiometry device (see Bi at col. 5, line 50 to col. 9, line 17). The radiographic BMD measurements of Bi measure integral bone density (i.e., both cortical and trabecular bone), ignoring trabecular micro-structure.

Accordingly, because Bi does not extract trabecular structure from an image of said subject, as required by amended claim 1, claim 1, as amended, is allowable over the Bi.. Claims 2-13, which depend from claim 1 and add further limitations, are likewise not anticipated by Bi.

#### **35 U.S.C. §103(a)**

Claims 14-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bi in view of U.S. Patent 5,288,445 ((Pak et al., hereinafter Pak). Neither Bi nor Pak teach or suggest extracting trabecular structure from an image of said subject, as required by claims 14-19 (which depend on claim 1). Since none of these references teach this required limitation of claims 14-19, claims 14-19 are deemed nonobvious over the cited references.

#### **35 U.S.C. §112**

Claim 9 stands rejected under 35 U.S.C. §112, second paragraph as lacking antecedent basis for the limitation “tables 1, 2 and 3.” Claim 9 has been amended to incorporate table 1.

Claim 15 stands rejected under 35 U.S.C. §112, second paragraph as lacking antecedent basis for the limitation "the steps." Claim 15 has been amended to replace the words "the steps" with the words "determining and combining."

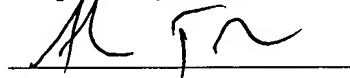
Specification

The abstract stands objected to as not being clear and concise, and not describing the disclosure sufficiently. Accordingly, the abstract has been amended for clarity and to sufficiently describe the disclosure.

It is believed that the application is now in order for allowance and Applicants respectfully request that a notice of allowance be issued. It is believed that a three month extension of time is required. Applicants respectfully petition for such an extension. Applicant hereby petitions for same and requests that any extension or other fee required for timely consideration of this application be charged to Deposit Account No. 19-4972.

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Respectfully submitted,



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